



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Taos Field Office  
226 Cruz Alta Road  
Taos, New Mexico 87571-5983  
[www.blm.gov/nm](http://www.blm.gov/nm)



In Reply Refer To:

NMNM 90125  
2800 (F020)

CERTIFIED MAIL- RETURN RECEIPT REQUESTED

7014 0150 0000 6360 2636

December 8, 2015

### DECISION

County of Santa Fe	:	
Public Work Department	:	Right-of-Way Grant NMNM90125
P.O. Box 276	:	
Santa Fe, NM 87504	:	

### Right-of-Way Grant Amendment NMNM90125 Issued

The Bureau of Land Management issued the County of Santa Fe a right-of-way grant, NMNM 90125 on April 28, 1994, for the Caja del Rio road. On May 17, 1994 the right-of-way was amended to include a southern and northern connection roadways across public land located in Lot 2, Section 35, Township 17 North, Range 8 East.

In 2011, the County requested to realign the southern and northern connection which was incorrectly constructed on private land and to reconstruct a curve in a portion of road to provide a safe passage. The amendment was reviewed and approved.

The County submitted an application to amend their right-of-way grant, NMNM90125 on September 6, 2011. They propose to increase the pavement depth to handle heavy haul truck traffic and add bicycle lanes to Caja del Rio road as well as modified intersections where warranted, to include right and left turn bays for safety purposes. All improvements described in the submitted plan of development (submitted on September 6, 2011) are to be within the existing right-of-way boundaries.

The County of Santa Fe has applied for an additional amendment to the existing ROW NM090125 that is within R&PP 109924. The application requests a 20'right-of-way by approximately 841' for a 12' waterline. The water line is within:

New Mexico Prime Meridian, New Mexico

T.17N., R8E.,

Sec. 35, lot 23.

The area described contains approximately 0.40 acres in Santa Fe, New Mexico.

The Bureau of Land Management Taos Field Office has reviewed and approved the proposed amendment. It is subject to the terms and conditions of the original grant and the additional stipulations attached.

On The amendment request has been examined and found to be satisfactory. It is subject to the following stipulations.

1. All valid rights existing on the date of grant.
2. All standard and special wildlife monitoring stipulations (see enclosures).
3. All environmental requirements listed in the approved Caja del Rio Roadway Improvements Roadway Plan and Profile.
4. All applicable regulations in 43 CFR 2800.
5. All applicable stipulations of the original right-of-way grant (see enclosures).

The advance rental for the ROW has been paid up to December 31, of 2045 (30 years \$203.00). All subsequent rental billings will be due at the beginning of the calendar year starting (January, 2046). Future billings will be based on the rent schedule in effect at that time.

The processing fees for this ROW were determined to be a Category 2, which is \$424.00. BLM has received your processing fees totaling \$424.00.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If you have any questions, please contact Sarah Naranjo at 505-954-2200.



Sarah Schlanger  
Field Manager

Enclosures  
Right-of-Way Grant NM90125  
Standard and Special Stipulations  
BLM Form 1842-1

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

Issuing Office  
Albuquerque District  
Serial Number  
NMNM 90125

1. A (right-of-way) (permit) is hereby granted pursuant to:

- a.  Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761);
- b.  Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185);
- c.  Other (describe) \_\_\_\_\_.

2. Nature of Interest:

- a. By this instrument, the holder Santa Fe County, P.O. Box 276, Santa Fe, NM 87504-0276 receives a right to construct, operate, maintain, and terminate a County Road known as the Caja del Rio Road on public lands (or Federal land for MLA Rights-of-Way) described as follows:

T. 17 N., R. 8 E., NMPM, New Mexico.

Sec. 22, E $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$ ;

Sec. 26, lots 16, 17, 18, 47, 48,  
50, 51, 77, 78, 83, 84,  
109, 116, 141, 148, 173,  
180, 205, 212, 213,  
236, 237, 244, 245;

Sec. 35, lots  $\frac{2}{3}$ , 4, 6, 7, and E $\frac{1}{2}$ NW $\frac{1}{4}$  and NE $\frac{1}{4}$ SW $\frac{1}{4}$ .

1/ width varies to a maximum of 150 feet wide.

2/ The length of the right-of-way on public land is not defined.

The Centerline Description describes the entire proposed Caja del Rio Roadway which extends from the Santa Fe Relief Route on the south within State Land Office property, northwestward into BLM holdings. The roadway would then curve to the North traversing both private and public properties, connecting at its Northern end with Camino La Tierra via Las Campanas Parkway.

b. The right-of-way or permit area granted herein is varies 1/ feet wide, 2/ feet long and contains 50.55 acres, more or less. If a site type facility, the facility contains N/A acres.

c. This instrument shall terminate on XXXXXX ISSUED IN PERPETUITY, XXX years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

N/A d. This instrument  may  not be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.

e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

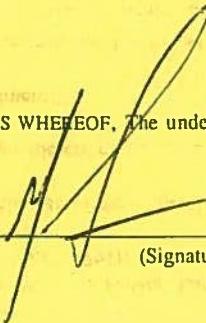
## 3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

## 4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 180 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued pursuant to the authority of paragraph (1)(a) for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer. Exhibit A - Road Stipulations and Special Stipulation, dated April 27, 1994, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
- d. cont'd - Construction and Engineering Plan submitted by Avid Engineering.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.



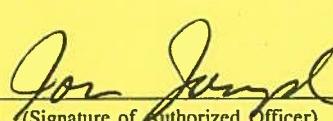
(Signature of Holder)

SANTA FE COUNTY MANAGER

(Title)

APRIL 27, 1994

(Date)



(Signature of Authorized Officer)

Assistant District Manager  
Division of Resources

(Title)

April 28, 1994

(Effective Date of Grant)

Attachment

Stipulations  
Santa Fe County's Utility Easements  
Right-of-way NM 090125

1. The holder shall submit utility easement plan(s) that describe in detail the construction, operation, maintenance, and termination of the utilities to be installed within the right-of-way and its associated improvements and/or facilities. The plan shall include drawings in sufficient detail to ensure compliance with the requirements of the grant and to ensure visual compatibility with the site. These drawings shall be the construction documents and must show dimensions, materials, finishes, etc. to demonstrate compliance with all requirements. The plans will be reviewed and, if appropriate, modified and approved by the authorized officer. An approved utility easement plan shall be made a part of the right-of-way grant.
2. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
3. Construction activity and surface disturbance will be prohibited during the period from April 1, 2010 to October 1, 2010 for the protection of the Western burrowing Owl (*Athene cunicularia hypugea*). If active burrows used by the owl are found, no construction shall occur until the owls have permanently left these burrows. All burrows within and adjacent to the right-of-way boundaries shall be investigated using a telescoping device and confirmed that they are not occupied by the Western burrowing owl. The results of the scoping efforts shall be reported to the BLM Taos Field Office wildlife biologist. The Authorized Officer, with confirmation from the BLM Taos Field Office wildlife biologist, shall make the final determination that the investigated burrows are not occupied by owls before construction activities can commence. The authorized officer shall issue a notice to proceed upon this determination. Construction activity must be completed within 24 hours of the telescoping investigation process for owls, to prevent subsequent habitation by the species prior to excavation. Attempts shall be made to avoid the destruction and/or modification of any burrows located within ROW
4. The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods.

5. Holder shall remove only the minimum amount of vegetation necessary for the construction of structures and facilities. Topsoil shall be conserved during excavation and reused as cover on disturbed areas to facilitate regrowth of vegetation.
6. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of 5 inches deep, the soil shall be deemed too wet to adequately support construction equipment.
7. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
8. The holder shall not leave trenches open overnight, if possible. Where trenches cannot be backfilled immediately, escape ramps shall be constructed in the trenches. The escape ramps shall be short lateral trenches sloping to the surface or wooden planks extending to the surface with slopes of less than 45 degrees. Trenches that have been left open overnight shall be inspected and animals removed prior to such use.
9. Construction-related traffic shall be restricted to route approved by the authorized officer. New access roads or cross-country vehicle travel will not be permitted unless prior written approval is given by the authorized officer.
10. The holder shall recontour disturbed areas, or designated sections of the right-of-way, by grading to restore the site to approximately the original contour of the ground as determined by the authorized officer.
11. The holder shall uniformly spread topsoil over all unoccupied disturbed areas. Spreading shall not be done when the ground or topsoil is frozen or wet.
12. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
13. Ninety (90) days prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination and rehabilitation plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surfacing material, recontouring, top soiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination actions.

**AMENDMENT NO. 1  
TO MEMORANDUM OF AGREEMENT  
BETWEEN SANTA FE COUNTY AND THE NEW MEXICO,  
DEPARTMENT OF CULTURAL AFFAIRS REGARDING  
A WATERLINE TO SERVE THE CENTER FOR NEW MEXICO ARCHAEOLOGY**

**THIS AMENDMENT** is made and entered into as of this 3rd day of April, 2014, by and between Santa Fe County (the "County"), a political subdivision of the State of New Mexico, and the State of New Mexico Department of Cultural Affairs ("DCA"), an agency of the State of New Mexico.

**WHEREAS**, on May 30, 2012, Santa Fe County and DCA entered into Memorandum of Agreement No. 2012-0068-UT/MS ("MOA") to provide for DCA's completion of a waterline to serve the Center for New Mexico Archaeology;

**WHEREAS**, the MOA provides that upon completion of the waterline, DCA will convey the waterline and appurtenances to the County to own, operate and maintain, and, in exchange, the County will refund DCA up to twenty-seven percent (27%) of the cost of DCA's construction costs and the cost of the easement plat and implement a credit to DCA's water utility account in the amount of ten thousand, two hundred-twenty dollars (\$10,220) for meter connection fees. The MOA further provides that DCA will assign all rights to indemnification and warranties from DCA's engineer and contractor to the County upon conveying the waterline to the County;

**WHEREAS**, the MOA also provides that the County will apply to the BLM for an easement designation for the waterline upon the County's assumption of ownership and operation;

**WHEREAS**, DCA completed the waterline in May 2013 and, according to Paragraph 3 (Term), the MOA is due to expire upon the County's payment of the refund to DCA or two (2) years from the effective date of the MOA, whichever occurs first. The County has not issued the refund to DCA and the MOA is due to expire May 30, 2014;

**WHEREAS**, according to Paragraph 8 (Amendment) of the MOA, the MOA may be amended by an instrument in writing signed by the parties:

**WHEREAS**, the parties wish to amend the MOA to extend the term for one year to May 30, 2015 as the respective duties of the parties have not been completed.

**NOW THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:**

1. Paragraph 3 (Effective Date and Term) of MOA 2012-0068-UT/MS is amended by deleting paragraph 3 in its entirety and replace it with the following:

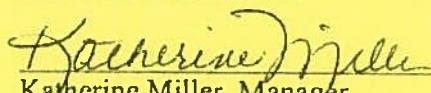
**3. TERM**

This agreement shall upon execution of the parties, become effective as of the date first written above (the Effective Date) and shall terminate May 30, 2015, unless earlier terminated pursuant to Paragraph 4 or 10 of this agreement.

2. All other provisions of MOA not specifically amended or modified by this Amendment No. 1 shall remain in full force and effect.

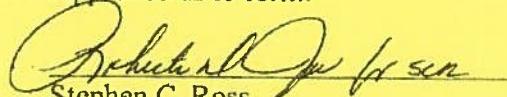
**IN WITNESS WHEREOF**, the parties have executed this Amendment No. 1 as of the date indicated above.

**SANTA FE COUNTY**

  
 Katherine Miller, Manager  
 Santa Fe County

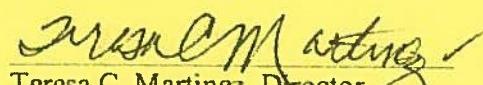
4.3.14  
 Date

Approved as to form:

  
 Stephen C. Ross  
 Santa Fe County Attorney

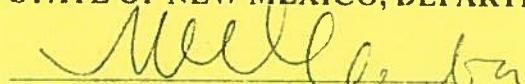
3/25/14  
 Date

Department of Finance

  
 Teresa C. Martinez, Director  
 Finance Department

4/1/2014  
 Date

**STATE OF NEW MEXICO, DEPARTMENT OF CULTURAL AFFAIRS**

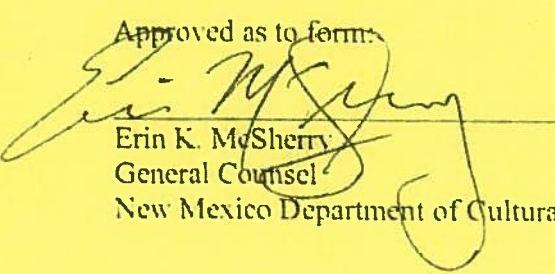
  
 Veronica Gonzales, Secretary  
 Department of Cultural Affairs

3-20-14  
 Date

  
 Eric Blinman, Director  
 Office of Archaeological Studies - DCA

3/20/14  
 Date

Approved as to form:

  
 Erin K. McSherry  
 General Counsel  
 New Mexico Department of Cultural Affairs & Tourism

3/19/2014  
 Date

Schedule Stipulations  
Wildlife Monitoring Requirements

1. The Santa Fe County (hereafter referred to as "holder") stated that it would initiate and begin work on the north end of Caja del Rio Road, moving south towards the BLM portion later in the project schedule around August, estimated by the holder's representation during the February 22, 2012 site visit. This would allow the Western burrowing owls (hereafter referred to as "owls") to establish nest sites, if they are going to do so, prior to any construction activities adjacent to the subject prairie dog town where the owls have nested in the past.
  - a. BLM will require the holder to fill in all prairie dog holes within the current right-of-way boundaries, which is between the existing west barbed wire fence to the edge of paved Caja del Rio Road. Clearance surreys for owls must be completed prior to filling in burrows to conclusively determine that the burrows are not being used by owls. The holder shall coordinate with the BLM wildlife biologist, Valerie Williams for timing of filling the prairie dog holes. BLM wildlife biologist will survey the area for owls prior to any prairie dog holes being filled in and to conclusively determine those prairie dog holes are not being used by owls. This would be done before March 15<sup>th</sup> to prevent any owls from nesting within the existing right-of-way boundaries this season. The prairie dog holes should be filled in using shovels and dirt within the right-of-way into and on top of existing prairie dog holes. No heavy equipment and/or construction equipment shall be used to fill in any of the burrows. This will be less invasive than heavy machinery that could damage existing vegetation and perhaps move existing weeds around the area.
  - b. Seeding of certified weed-free seed shall be done after the prairie dog holes are filled in, prior to installation of temporary protective fencing (see below).
  - c. After the prairie dog holes have been filled in, the holder shall install a temporary protective fencing (orange plastic type, or similar) 10 feet west of the pink flags that were put in during the site visit (on 2/22/2012), parallel to edge of Caja del Rio road. The temporary protective fencing shall be monitored and maintained by the holder for the duration of construction activities. This will prevent inadvertent construction activity from occurring within the area of filled burrows. This area between the temporary protective fencing and the west barbed wire fence will be close to all construction activities (a no-go area). The prairie dogs will likely move out of the right-of-way area when the prairie dog holes are filled in, using an underground burrow system. Later, when construction activity is completed and the temporary fence is removed, it is very likely that the prairie dogs will return making burrows where the area was protected inside the temporary fencing. Eventually, owls may return to that area between the barbed wire fence and Caja del Rio Road where they have nested previously.
  - d. The holder shall begin monitoring for owls starting on March 15<sup>th</sup> continue monitoring once a week until April 15<sup>th</sup>. The monitoring shall be conducted by a qualified wildlife biologist and coordinated with the BLM wildlife biologist. The monitoring will be

completed on both sides of the west right-of-way boundary fence including the existing prairie dog town to the west of the Caja del Rio road. The holder shall submit a complete monitoring report to the BLM wildlife biologist. The report should provide BLM with information on how many owls are in the area, and if any are nesting and where.

Thereafter, monthly monitoring will continue in order to assess nesting success, if any. Monthly monitoring will continue in May, June, July, August, September, October/November. The holder shall submit monthly reports of all monitoring activities. These reports should inform BLM of nesting success, if any, and determine on where a 75m buffer would be necessary to prevent disturbance to the owls by construction activities until the owls have left the area for the season. It is possible that monthly monitoring would be conducted through November, or until the owls leave for the season of their own accord. More than one monitoring event per month would be required to determine if the owls have indeed left the area for the season. For example, if, in October (or November), no owls are detected during a monitoring visit (where there were owls previously), in order to determine that the owls have left for the season, weekly monitoring would be required for a minimum of three (3) weeks. The holder shall be responsible for all cost associated with monitoring activities.

Contrary to what was discussed with the County on February 22, 2012 at the project site, we would not allow any disturbance (i.e., deterrent fencing around prairie dog burrows) or project activity to occur west of the existing barbed wire fence. This is an area that has been undisturbed by previous rights-of-ways and contains a large prairie dog town. This is where we would hope the owls would use, instead of the right-of-way, while construction is being conducted within the right-of-way itself. Potentially, in the future, the Museum of NM Archeological Center folks want to preserve the large prairie town/Western burrowing owl habitat. Therefore, we will not allow deterrents, fencing or any other activity except for monitoring, to occur outside the existing right-of-way (west of the barbed wire fence).

CENTERLINE DESCRIPTION OF A 100' WIDE RELOCATED ROADWAY EASEMENT

A 100' WIDE RELOCATED ROADWAY EASEMENT Lying within BLM LANDS, WITHIN SECTION 35, T17N, R2E, N.M.P.M., SANTA FE COUNTY, NEW MEXICO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EASTERNMOST POINT ON THE CENTERLINE OF THE ABOVE DESCRIBED EASEMENT Lying within the CAA RELOCATED ROAD FROM WHENCE THE SOUTHERN 1/4 CORNER OF SECTION 35 BEARS S 37°20'43" E, 118°47'42" W, THENCE ALONG THE CENTERLINE OF THE EASEMENT 100' WIDE, THENCE AND ALONG THE EASEMENT CENTERLINE OR S 54°25'23" E, 108°47'42" W, THENCE AND ALONG A TANGENT LINE CENTER TO THE RIGHT 100', A CHORD OF S 52°16'42" W, LENGTH 51.4' TO A POINT OF TURNCASE ON THE WEST LINE OF THE EASEMENT; THENCE ALONG THE EASEMENT CENTERLINE OR S 54°25'23" E, 108°47'42" W, THENCE 51.4' TO A POINT ON THE PREVIOUS CENTERLINE OR N 52°16'42" E, 108.43' TO A POINT ON THE PREVIOUS CENTERLINE OR S 54°25'23" E, 108°47'42" W, THENCE 100' WIDE, THENCE 100' WIDE, THE POINT OF COMMENCEMENT S 37°20'43" W, 108.43' TO A POINT OF TERMINATION ON THE SOUTHERN LINE OF SECTION 35.

ALL AS MORE FULLY SHOWN HERETO, ON PLAT ENTITLED "BLM EASEMENT RELOCATION FOR SANTA FE COUNTY OF SOUTH CONNECTION ROADWAY".

7-12-13

LEGEND AND NOTES

- DENOTES POINT FOUND
- DENOTES POINT SET THIS SURVEY
- DENOTES POINT CALCULATED
- DENOTES MONUMENT

- DENOTES EDGE OF EASEMENT
- DENOTES OVERHEAD LINES
- X — DENOTES FENCE LINE

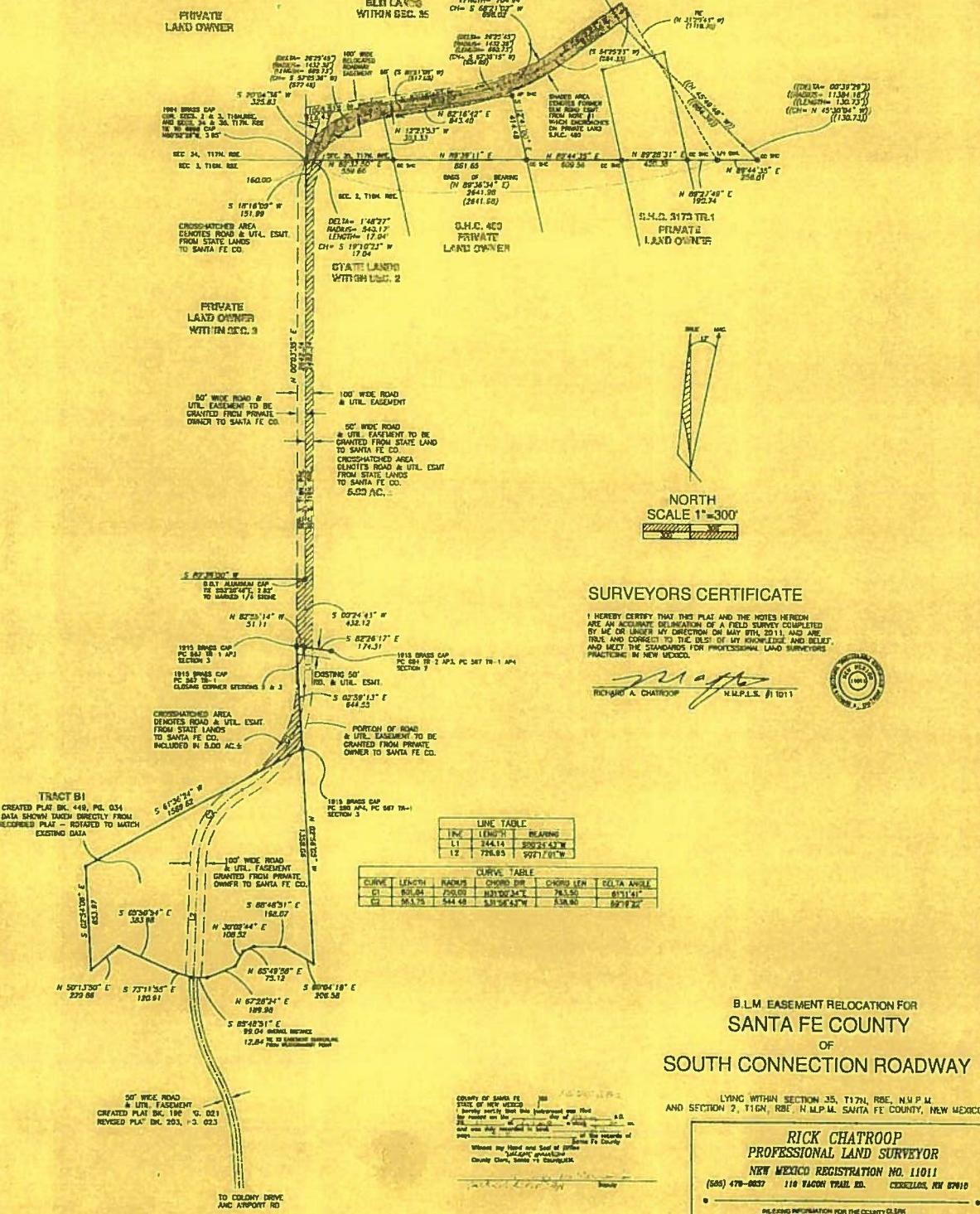
1. BASES OF BEARING MADE FROM THE CENTERLINE DESCRIPTION PROPOSED SOUTH CONNECTION ROADWAY PROVIDED BY THE BUREAU OF LAND MANAGEMENT TAOS FIELD OFFICE WITH CERTIFICATION NUMBER 23.

2. THIS PLAT IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD.

3. DATA IN ( ) IS RECORD DATA FROM DESCRIPTION OF NOTE NO. 1.

4. PLAT REFERENCE "PLAT SHOWING ROADWAY EASEMENT FOR CAA DLL 100' WIDE RELOCATED ROADWAY MAP #3217, AND FILED IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN PLAT BK. 363, PG. 649.

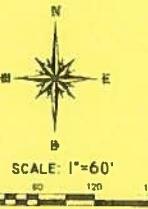
5. DATA IN ( ) IS RECORD FROM PLAT OF NOTE #4.







PUBLIC NOTICE  
SANTA FE COUNTY LAND LOT ASSIGNMENT PLAN HAS NOT BEEN REVIEWED IN PLAT OF SURVEYOR'S PLAN NO. 1 FILING IN THE OFFICE OF THE COUNTY CLERK. THIS DOCUMENT IS FOR INFORMATION PURPOSES ONLY AND IS NOT A RECORDABLE DOCUMENT OR NEW LOTS ALTERING THE OWNERSHIPS OF ANY EXISTING LOTS, FOR THE PURPOSE OF DEVELOPMENT, EXPANSION, OR FOR ANY OTHER PURPOSE. IT IS UP TO THE COUNTY CLERK TO DETERMINE WHETHER THIS DOCUMENT IS APPROPRIATE FOR FILING AS A NEW LOT. IT IS UP TO THE SURVEYOR TO DETERMINE WHETHER THIS DOCUMENT IS APPROPRIATE FOR RECORDING. THIS DOCUMENT DOES NOT IN ANY WAY STIPULATE OR REPRESENT SANTA FE COUNTY LAND OWNERSHIP OR THE RELATIONSHIP BETWEEN PLAT AND RECORDS.



PLAT  
OF  
20' WIDE WATERLINE EASEMENT  
FOR  
CENTER FOR NEW MEXICO ARCHAEOLOGY (CNMA)  
STATE OF NEW MEXICO  
DEPARTMENT OF CULTURAL AFFAIRS  
SANTA FE, NEW MEXICO  
SANTA FE COUNTY

LOT 23

LYING WITHIN SECTION 35, T17N, R8E, N.M.P.M.  
SANTA FE COUNTY, NEW MEXICO

FEBRUARY 2014

E. CURVE DATA TABLE

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH	DELTA ANGLE
C1	1,505.63	10.00'	N 47° 37' 19" W	10.00'	0° 22' 31"
C2	1,505.63	293.39'	N 42° 25' 13" W	263.05'	18° 01' 22"
C3	1,281.24	118.11'	S 31° 04' 37" E	118.07'	5° 18' 54"
C4	1,281.24	25.59'	S 27° 51' 23" E	25.57'	1° 05' 40"
C5	7,383.16	336.09'	S 18° 22' 37" E	339.08'	2° 37' 52"

F. LINE DATA TABLE

LINE	FROM	TO	DISTANCE
L1	N 44° 18' 43" E	15.20'	
L2	N 45° 59' 49" W	8.49'	
L3	N 72° 42' 23" E	11.33'	
L4	N 16° 19' 18" W	44.96'	
L5	N 72° 42' 23" E	8.49'	
L6	S 31° 04' 37" E	10.49'	
L7	S 17° 03' 40" E	23.21'	
L8	S 17° 03' 40" E	6.73'	
L9	N 14° 51' 17" E	162.26'	
L10	S 74° 18' 02" E	38.30'	
L11	S 21° 44' 07" E	260.68'	
L12	S 27° 51' 23" E	34.28'	
L13	S 13° 05' 22" W	44.87'	

SURVEYOR'S NOTES

- THE BASE OF COORDINATES IS THE NEW MEXICO STATE PLANE 1969 CENTRAL ZONE, HAD 1952 AS DETERMINED BY GPS OBSERVATIONS/UTM SURVEY POINT NUMBER 172A NPS 1952.
- ALL DISTANCES SHOWN ARE HORIZONTAL. UTM DISTANCES IN M. SURVEY FEET.
- FIELD WORK PERFORMED 14, MARSH, AND 20, JULY 2013.
- DEGREES AND DISTANCES SHOWN IN PARENTHESES ARE BACKSIGHTS FROM REFERENCE BENCHMARKS IN 3.
- DISTANCES AND DISTANCES SHOWN IN BRACKETS/TABLES ARE FROM REFERENCE BENCHMARKS IN 3.
- EASEMENT EASEMENT SHOWN HEREIN IS BASED ON ACTUAL FIELD OBSERVATIONS OF PROPERTY FROM TO SURVEY. PREPARED CONSTRUCTION LAYOUT COORDINATES AND SURFACE UTILITIES PRIOR.
- DRIVE AND LINE DATA SHOWN IN TABLES HEREIN ARE EASEMENT DATA OF 20' WIDE WATERLINE EASEMENT CREATED BY THIS PLAT.
- WATERLINE EASEMENT CONTAINS 0.706 ACRES.
- WATERLINE APPROXIMATES ARE NOT SHOWN ON THIS WATERLINE EASEMENT DRAWING.

LOT 23

OLD COCHITI ROAD

LOT 23

LEGEND

- U.S.GLO/BBL/ROW CAP FUND
- PATENTS OF WATERLINE EASEMENT CREATED

SURVEYOR'S CERTIFICATION

I, MICHAEL F. DEVER, NEW MEXICO PROFESSIONAL SURVEYOR, NO. 148, DO HEREBY CERTIFY THAT THIS EASEMENT PLAT WAS PREPARED FROM ACTUAL SURVEY DATA PROVIDED BY ME OR UNDER MY DIRECT SUPERVISION, THAT THIS EASEMENT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT IT IS LOCATED AS SHOWN ON THIS DRAWING, AND THAT IT IS DESIGNED SO AS TO NOT INFRINGE UPON ANY OTHER PROPERTY, AND THAT THIS EASEMENT PLAT IS NOT A LAND DIVISION OR SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT. THIS IS AN EASEMENT PLAT.

Michael F. Dever, S.R.E., No. 148  
24 February 2014

Recording Details  
I hereby certify that this instrument, 173-2014, was filed for record on the 24th day of February, 2014, at the office of the County Clerk, Santa Fe County, New Mexico.

RECORDING INFORMATION FOR THE COUNTY CLERK

LOT 23 LYING WITHIN SECTION  
SECTION 35 T 17 N R 8 E N.M.P.M.  
SANTA FE COUNTY, NEW MEXICO

THE BEAR COMPANY & ASSOCIATES, LLC  
ENGINEERING & SURVEYING  
12 Spring Creek  
P.O. Box 200  
Casa Blanca, NM 87520  
Email: info@bearnm.com  
Phone: 505-665-1000

REFERENCE DOCUMENTS:

1. PLAT ENTITLED "S. L. PL. EASEMENT RELEASE FOR SANTA FE COUNTY OF SOUTH CONNECTION HIGHWAY LINES" PREPARED BY THE STATE OF NEW MEXICO, SANTA FE COUNTY, NEW MEXICO, DATE 12/10/2013, FILED 12/10/2013, BY MICHAEL F. DEVER, NO. 148, FOR RELEASE OF EASEMENT, PAGE 1 OF 3.
2. CENTER FOR NEW MEXICO ARCHAEOLOGY COUNTY MAP EXTENSION PLAN (CNMA) PROJECT NO. 06-154, DATED 8/27/13, BY WALKER BIG HELMINS.
3. Topographic Map prepared for the Bureau of Land Management Office of Archaeological Survey, Lot 23, Section 35, T17N, R8E, N.M.P.M. by Michael F. Dever, No. 148, dated 8/27/13, by Michael F. Dever, No. 148.

RECORDED BY MICHAEL F. DEVER, S.R.E., NO. 148  
24 FEBRUARY 2014

RECORDED BY MICHAEL F. DEVER, S.R.E., NO. 148  
24 FEBRUARY 2014

RECORDED BY MICHAEL F. DEVER, S.R.E., NO. 148  
24 FEBRUARY 2014

RECORDED BY MICHAEL F. DEVER, S.R.E., NO. 148  
24 FEBRUARY 2014



RECORDED BY	RECORDED ON	RECORDED AT
OFFICIAL SEAL MICHAEL F. DEVER S.R.E., NO. 148	24 FEBRUARY 2014	SANTA FE COUNTY, NEW MEXICO
RECORDED BY MICHAEL F. DEVER, S.R.E., NO. 148	24 FEBRUARY 2014	SANTA FE COUNTY, NEW MEXICO
RECORDED BY MICHAEL F. DEVER, S.R.E., NO. 148	24 FEBRUARY 2014	SANTA FE COUNTY, NEW MEXICO
RECORDED BY MICHAEL F. DEVER, S.R.E., NO. 148	24 FEBRUARY 2014	SANTA FE COUNTY, NEW MEXICO

Attachment

Stipulations  
Santa Fe County's Utility Easements  
Right-of-way NM 090125

1. The holder shall submit utility easement plan(s) that describe in detail the construction, operation, maintenance, and termination of the utilities to be installed within the right-of-way and its associated improvements and/or facilities. The plan shall include drawings in sufficient detail to ensure compliance with the requirements of the grant and to ensure visual compatibility with the site. These drawings shall be the construction documents and must show dimensions, materials, finishes, etc. to demonstrate compliance with all requirements. The plans will be reviewed and, if appropriate, modified and approved by the authorized officer. An approved utility easement plan shall be made a part of the right-of-way grant.
2. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
3. Construction activity and surface disturbance will be prohibited during the period from April 1, 2010 to October 1, 2010 for the protection of the Western burrowing Owl (*Athene cunicularia hypugea*). If active burrows used by the owl are found, no construction shall occur until the owls have permanently left these burrows. All burrows within and adjacent to the right-of-way boundaries shall be investigated using a telescoping device and confirmed that they are not occupied by the Western burrowing owl. The results of the scoping efforts shall be reported to the BLM Taos Field Office wildlife biologist. The Authorized Officer, with confirmation from the BLM Taos Field Office wildlife biologist, shall make the final determination that the investigated burrows are not occupied by owls before construction activities can commence. The authorized officer shall issue a notice to proceed upon this determination. Construction activity must be completed within 24 hours of the telescoping investigation process for owls, to prevent subsequent habitation by the species prior to excavation. Attempts shall be made to avoid the destruction and/or modification of any burrows located within ROW
4. The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods.

5. Holder shall remove only the minimum amount of vegetation necessary for the construction of structures and facilities. Topsoil shall be conserved during excavation and reused as cover on disturbed areas to facilitate regrowth of vegetation.
6. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of 5 inches deep, the soil shall be deemed too wet to adequately support construction equipment.
7. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
8. The holder shall not leave trenches open overnight, if possible. Where trenches cannot be backfilled immediately, escape ramps shall be constructed in the trenches. The escape ramps shall be short lateral trenches sloping to the surface or wooden planks extending to the surface with slopes of less than 45 degrees. Trenches that have been left open overnight shall be inspected and animals removed prior to such use.
9. Construction-related traffic shall be restricted to route approved by the authorized officer. New access roads or cross-country vehicle travel will not be permitted unless prior written approval is given by the authorized officer.
10. The holder shall recontour disturbed areas, or designated sections of the right-of-way, by grading to restore the site to approximately the original contour of the ground as determined by the authorized officer.
11. The holder shall uniformly spread topsoil over all unoccupied disturbed areas. Spreading shall not be done when the ground or topsoil is frozen or wet.
12. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
13. Ninety (90) days prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination and rehabilitation plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surfacing material, recontouring, top soiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination actions.

**AMENDMENT NO. 1  
TO MEMORANDUM OF AGREEMENT  
BETWEEN SANTA FE COUNTY AND THE NEW MEXICO,  
DEPARTMENT OF CULTURAL AFFAIRS REGARDING  
A WATERLINE TO SERVE THE CENTER FOR NEW MEXICO ARCHAEOLOGY**

**THIS AMENDMENT** is made and entered into as of this 3rd day of April, 2014, by and between Santa Fe County (the "County"), a political subdivision of the State of New Mexico, and the State of New Mexico Department of Cultural Affairs ("DCA"), an agency of the State of New Mexico.

**WHEREAS**, on May 30, 2012, Santa Fe County and DCA entered into Memorandum of Agreement No. 2012-0068-UT/MS ("MOA") to provide for DCA's completion of a waterline to serve the Center for New Mexico Archaeology;

**WHEREAS**, the MOA provides that upon completion of the waterline, DCA will convey the waterline and appurtenances to the County to own, operate and maintain, and, in exchange, the County will refund DCA up to twenty-seven percent (27%) of the cost of DCA's construction costs and the cost of the easement plat and implement a credit to DCA's water utility account in the amount of ten thousand, two hundred-twenty dollars (\$10,220) for meter connection fees. The MOA further provides that DCA will assign all rights to indemnification and warranties from DCA's engineer and contractor to the County upon conveying the waterline to the County;

**WHEREAS**, the MOA also provides that the County will apply to the BLM for an easement designation for the waterline upon the County's assumption of ownership and operation;

**WHEREAS**, DCA completed the waterline in May 2013 and, according to Paragraph 3 (Term), the MOA is due to expire upon the County's payment of the refund to DCA or two (2) years from the effective date of the MOA, whichever occurs first. The County has not issued the refund to DCA and the MOA is due to expire May 30, 2014;

**WHEREAS**, according to Paragraph 8 (Amendment) of the MOA, the MOA may be amended by an instrument in writing signed by the parties;

**WHEREAS**, the parties wish to amend the MOA to extend the term for one year to May 30, 2015 as the respective duties of the parties have not been completed.

**NOW THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:**

1. Paragraph 3 (Effective Date and Term) of MOA 2012-0068-UT/MS is amended by deleting paragraph 3 in its entirety and replace it with the following:

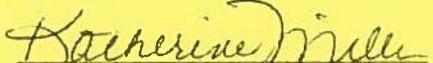
**3. TERM**

This agreement shall upon execution of the parties, become effective as of the date first written above (the Effective Date) and shall terminate May 30, 2015, unless earlier terminated pursuant to Paragraph 4 or 10 of this agreement.

2. All other provisions of MOA not specifically amended or modified by this Amendment No. 1 shall remain in full force and effect.

**IN WITNESS WHEREOF**, the parties have executed this Amendment No. 1 as of the date indicated above.

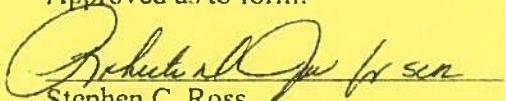
**SANTA FE COUNTY**



Katherine Miller, Manager  
Santa Fe County

4/3/14  
Date

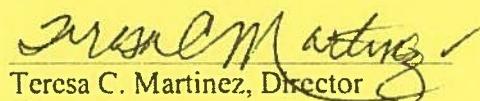
Approved as to form:



Stephen C. Ross  
Santa Fe County Attorney

3/25/14  
Date

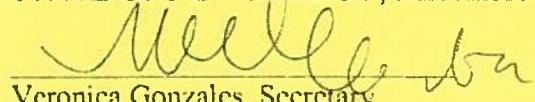
**Department of Finance**



Teresa C. Martinez, Director  
Finance Department

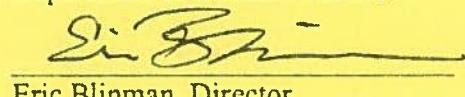
4/1/2014  
Date

**STATE OF NEW MEXICO, DEPARTMENT OF CULTURAL AFFAIRS**



Veronica Gonzales, Secretary  
Department of Cultural Affairs

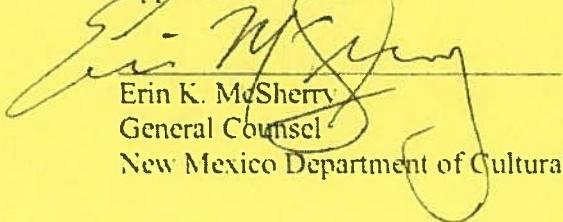
3/20/14  
Date



Eric Blinman, Director  
Office of Archaeological Studies - DCA

3/20/14  
Date

Approved as to form:



Erin K. McSherry  
General Counsel  
New Mexico Department of Cultural Affairs & Tourism

3/19/2014  
Date